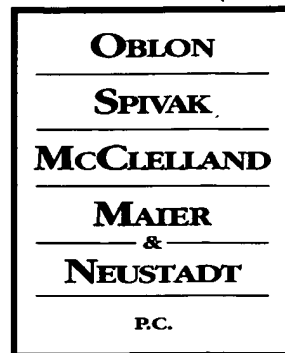




Docket No.: 219593US3CONT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RECEIVED  
NOV 28 2003  
TC 1700



ATTORNEYS AT LAW

ECKHARD H. KUESTERS  
(703) 413-3000  
EKUESTERS@OBLON.COM

RE: Application Serial No.: 10/073,870

Applicants: Naoki OKINO, et al.

Filing Date: February 14, 2002

For: METHOD AND APPARATUS FOR PREPARING A  
DOUBLE GLAZING UNIT

Group Art Unit: 1733

Examiner: ROSSI, J.

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

DOCKET NO: 219593US3CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
NAOKI OKINO ET AL : EXAMINER: ROSSI, J  
SERIAL NO: 10/073,870 :  
FILED: FEBRUARY 14, 2002 : GROUP ART UNIT: 1733  
FOR: METHOD AND APPARATUS FOR :  
PREPARING A DOUBLE GLAZING UNIT

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

RECEIVED  
NOV 28 2003  
TC 1700

In response to the Restriction Requirement dated Oct. 30, 2003, Applicants provisionally elect with traverse Group I, Claims 1-6 drawn to "a method for preparing a double glazing unit, classified in class 156, subclass 107," for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different subclass search classifications, it is believed that the claims of the present application would have to be searched in only a small handful of subclasses, all of which are in the same class and thus related. Furthermore,

Application No. 10/073,870  
Reply to Office Action of October 30, 2003

since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain two separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-12 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Registration No. 28,870  
Attorneys of Record



22850

Tel. No.: (703) 413-3000

Fax No.: (703) 413-2220

I:\ATTY\EHK\AMEND-RESPONSES\0039\219593US.PE.DOC